

HOUSE BILL REPORT

SSB 6086

As Passed House - Amended:

March 5, 2014

Title: An act relating to reducing PCBs in products purchased by agencies.

Brief Description: Reducing PCBs in products purchased by agencies.

Sponsors: Senate Committee on Energy, Environment & Telecommunications (originally sponsored by Senators Billig, Ericksen, McCoy and Rolfes).

Brief History:

Committee Activity:

Environment: 2/19/14, 2/21/14 [DP].

Floor Activity:

Passed House - Amended: 3/5/14, 62-36.

Brief Summary of Substitute Bill (As Amended by House)

- Requires the Department of Enterprise Services to establish purchasing and procurement policies that provide for a preference for products and products in packaging that do not contain polychlorinated biphenyls.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: Do pass. Signed by 7 members: Representatives Fitzgibbon, Chair; Senn, Vice Chair; Short, Ranking Minority Member; Farrell, Fey, Kagi and Tharinger.

Minority Report: Do not pass. Signed by 3 members: Representatives Pike, Assistant Ranking Minority Member; Harris and Nealey.

Staff: Megan Mulvihill (786-7291) and Jason Callahan (786-7117).

Background:

Polychlorinated biphenyls (PCBs) are synthetic organic chemicals that were manufactured from 1929 until 1979. Due to their chemical stability, low flammability, high boiling point,

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and electrical insulating properties, PCBs were used in a variety of commercial and industrial applications such as electrical insulating and transformers; hydraulic equipment; plasticizers in paints, plastics, and rubber products; and in pigments and dyes.

In 1979 the Toxic Substance Control Act (TSCA) was passed, requiring the Environmental Protection Agency (EPA) to control any substances, including PCBs, which were determined to cause unreasonable risk to the public health or the environment. According to the EPA, PCBs are known to cause cancer in animals along with other adverse health effects to the immune, reproductive, neurological, and endocrine systems.

The general ban on PCBs under TSCA and associated federal rules contain certain exemptions for products containing PCBs. In most cases, the products must have PCB concentrations of less than 50 parts per million (ppm). Examples include mining equipment, hydraulic systems, and heat transfer stations. In addition, some products are allowed to be manufactured regardless of PCB concentration such as carbon copy paper and natural gas pipeline systems.

The Department of Enterprise services (DES) is responsible for providing products and services to the government and residents. The DES sets the policies and procedures for state procurement including the development and administration of contracts for goods and services.

Summary of Bill:

The DES must establish purchasing and procurement policies that provide a preference for products and products in packaging that do not contain PCBs. Unless it is not technically feasible or cost effective, no state agency may knowingly purchase products or products in packaging containing PCBs above the practical quantification limit. Practical quantification limit means the lowest concentration that can be reliably measured within specified limits of precision, accuracy, representativeness, completeness, and comparability during routine laboratory operating conditions. However, no state agency is required to breach an existing contract or dispose of stock that has been ordered or is on-hand due to the requirements of the bill.

The DES is not required to test every product obtained, but may accept accredited laboratory or testing facility results documenting PCB levels in products or products' packaging from businesses, manufacturers, organizations, and individuals. In addition, the DES may request suppliers to provide testing data documenting PCB levels.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The driving force behind this bill is fish consumption. While there are many challenges to reducing PCB levels in fish, there are some things the state can do that are easy, like this bill. This bill is a simple first step in reducing non-point source pollution. It is known that PCBs can cause serious health effects such as cancer and non-cancer effects like reproductive problems. While PCBs are supposedly banned, they are not really since an exemption allows for PCB levels less than 50 parts per million (ppm). Science can now predict PCB levels less than 50 ppm, and this allowance does not meet the standards of the Clean Water Act. As a point of reference, that 50 ppm is a billion times higher than what the Clean Water Act allows. This bill is one tool in meeting water quality standards.

The Spokane Valley has high levels of PCBs. There is a specialty news print shop in the Spokane Valley which regards environmental stewardship as a high priority. Prior to 1991, that print shop was a PCB-free facility, and then it started recycling old newspapers and materials. The print shop discovered that there were low levels of PCBs being reported in the water, and it was determined that the PCBs were coming from the pigment of the paper they were recycling. While the PCB levels in the pigment were legal, it caused noncompliance with the clean water requirements.

Products that inadvertently come into contact with PCBs during the manufacturing process, such as pigments, are allowed. The yellow paint that is used on the highways may have PCBs in it because often yellow or orange tinted pigments contain PCBs. However, state agencies may not be aware of PCBs in their products. A government purchasing program is one way to learn more about which products contain PCBs and to encourage suppliers to move away from these products.

(Opposed) None.

Persons Testifying: Senator Billig, prime sponsor; Neil Beaver, The Lands Council and Spokane River Keeper; Carol Kraege, Department of Ecology; and Melissa Gombosky, Inland Empire Paper Company.

Persons Signed In To Testify But Not Testifying: None.